

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and)	WC Docket No. 11-42
Modernization)	
)	
Federal-State Joint Board on Universal)	CC Docket No. 96-45
Service)	
)	
Lifeline and Link Up)	WC Docket No. 03-109

Comments of Educational Services Network, Corp.

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Summary

In these comments, EDNet urges the Commission, not only to create a Lifeline and Link Up pilot program focused on broadband services, but also to authorize at least one such pilot for Puerto Rico that would focus on the needs of non-native speakers of English and insular areas. As discussed herein, EDNet is well positioned to participate in the pilot program and would welcome the opportunity to lead a project in Puerto Rico focused on insular areas and non-native speakers of English.

There is broad consensus that the Commission's universal service support mechanisms in general, and the Low-income mechanisms in particular, must evolve to support broadband services. In doing so, EDNet believes that a low-income pilot program would be an appropriate way for the Commission to gain experience with the relative effectiveness of a variety of discount structures and time periods. EDNet believes that the Commission should commit to pilot projects of at least 24-36 months, and should not require participants to be designated as Eligible Telecommunications Carriers.

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Comments of Educational Services Network, Corp.

Educational Services Network, Corp. (“EDNet”), hereby submits these comments on the Commission’s March 4, 2011 Notice of Proposed Rulemaking in the above-captioned dockets (the “Notice”).¹ EDNet strongly supports the Commission’s proposal to create a Lifeline and Link Up pilot program to support provision of broadband services to low-income individuals, and in particular applauds the Commission’s proposal to include pilot projects that focus on the needs of non-native speakers of English.² For many years, EDNet has been finding innovative ways to deliver broadband services to low-income individuals, chiefly in rural areas of Puerto Rico.

In these comments, EDNet urges the Commission, not only to create a Lifeline and Link Up pilot program focused on broadband services, but also to authorize at least one such pilot for Puerto Rico that would focus on the needs of non-native speakers of English and insular areas. As discussed herein, EDNet is well positioned to participate in

¹ *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Notice of Proposed Rulemaking, FCC 11-32 (rel. Mar. 4, 2011).

² Notice at para. 280.

the pilot program and would welcome the opportunity to lead a project in Puerto Rico focused on insular areas and non-native speakers of English.

I. EDNet's Interest in this Proceeding

EDNet is a Puerto Rico-based company that provides educational services through the integration of technology, Internet access and related broadband services to schools, libraries, government entities and others. EDNet's senior administrators have over 25 years of combined experience in the technology arena and federal funds administration. EDNet has been providing services over the last seven years, helping schools, libraries and governmental entities implement their technology plans and services supported under the federal schools and libraries universal service support mechanism ("E-Rate"). The main objectives of these projects are to support and enhance the education of children and adults through the use of Internet and technology, create technological environments to improve broadband services, and help close the gap between rural areas and developed municipalities throughout Puerto Rico by providing services and technological tools to help the less advantaged population.

EDNet provides services to more than 100 public schools, 30 private schools, 44 municipal libraries, and 110 technology centers, as well as specialized schools in Science, Math, Technology, Arts, Family Literacy among others. EDNet's services impact over 600,000 residents of Puerto Rico, including but not limited to students, parents and teachers. Some of these people would otherwise have limited or no access to Internet and other technology-related services. As a local company, EDNet has the mission to help Puerto Ricans create opportunities to improve their quality of life and economy by bringing the benefits of the Internet and education technology closer to them, enabling

them to acquire the tools, information and knowledge they need to succeed as they continue their college education or develop their own businesses.

II. EDNet's Seeks the Opportunity to Lead a Pilot Project in Puerto Rico focused on Insular Areas and Non-Native Speakers of English

EDNet's existing operations position it well to participate in the Lifeline and Link Up pilot program and to lead a project in Puerto Rico focused on insular areas and non-native speakers of English. Our broadband network provides Internet services to schools, libraries, and community technology centers in 44 municipalities in Puerto Rico, including the municipal islands of Vieques and Culebra. Most of the locations EDNet serves are located within the remote, economically depressed central region of Puerto Rico that faces high unemployment, school dropout, and poverty rates. Many of EDNet's technology centers in this region are more than 1½ hours away from the nearest metropolitan areas because of the mountainous inland terrain and poor road conditions. EdNet's corporate commitment and business model support the provision of broadband Internet services to these rural and mountainous areas that are not attractive to other service providers. EDNet's emphasis on this customer base is consistent with the Commission's historical concern for service to rural, insular, and high cost areas, and low-income consumers.

In cooperation and partnership with municipalities and community-based organizations in Puerto Rico, EDNet has already put in place broadband Internet adoption programs focused on providing access through institutional structures. EDNet provides broadband Internet service to K-12 after-school programs, as well as adult computer literacy, technology education, and Internet access programs located within public libraries

and technology centers. EDNet's business model, in partnership with local credit unions, also enables low-income families to acquire computer equipment and software programs.

A Lifeline and Link Up broadband pilot project would augment these efforts by leveraging EDNet's experience and expertise, as well as other government Internet and technology-related initiatives. EDNet urges the Commission to resolve the eligibility issues raised in the Notice to enable EDNet to apply to lead such a project, which could be the final link in providing many low-income Puerto Rican families and individuals with access over the Internet to health, education and economic development programs. Complementing this access, EDNet's computer and related technology, public health and personal development distance learning modules would support participants and promote sustainability of their broadband adoption by fostering digital literacy and demonstrating the value of broadband Internet access in daily life. Moreover, technology planning is already integral to EDNet's business model. EDNet routinely sets performance goals and metrics to guide implementation of its existing programs. In consultation with its partners and intended beneficiaries, EDNet establishes specific goals and objectives when services are provided to schools and libraries. EDNet then puts appropriate metrics in place to document results over time and to evaluate strategies, reinforce or modify programs initiatives.

III. Discussion of Issues Raised in the Notice

There is broad consensus that the Commission's universal service programs in general, and the Lifeline and Link Up programs in particular, must evolve to recognize the growing importance of broadband in meeting the communications needs of the American people. The Federal-State Joint Board on Universal Service ("Joint Board")

has previously recommended that the FCC include among the nation's communications policy goals the "universal availability of broadband Internet services . . . at affordable and comparable rates for all rural and non-rural areas."³ More recently, the Joint Board recommended that the Commission adopt, among its core universal service principles, that "support should be directed where possible to networks that provide both advanced and voice service."⁴ Echoing this theme, the Government Accountability Office found that, "addition of discounted broadband to the Low Income Program may increase participation by making broadband more affordable for low-income households."⁵ In the Notice, the Commission itself asserted that, "supporting basic voice service alone may no longer be adequate to meet the basic communications needs of low-income Americans. Broadband is becoming an essential communications platform."⁶

While it is increasingly beyond cavil that the Lifeline and Link Up programs must evolve to include broadband, the legal and operational details of how to create that reality are still coming into focus. While these comments do not address every detail the

³ *High-Cost Universal Service Support; Federal-State Joint Board on Universal Service; Lifeline and Link Up*, WC Docket No. 05-337, CC Docket No 96-45, Recommended Decision, FCC 07J-4, 22 FCC Rcd 20477 (Jt. Bd. 2007), at para. 4 ("2007 Recommended Decision").

⁴ *Federal-State Joint Board on Universal Service; Lifeline and Link Up*, CC Docket No 96-45, WC Docket No. 03-109, Recommended Decision, FCC 10J-3, 25 FCC Rcd 15598 (Jt. Bd. 2010), at para. 73 ("2010 Recommended Decision").

⁵ Government Accountability Office, *Improved Management Can Enhance FCC Decision Making for the Universal Service Fund Low-Income Program*, GAO 11-11 (October 2010), at 21 ("GAO Low-Income Report").

⁶ Notice at para. 10. See also *Joint Statement on Broadband*, GN Docket No. 10-66, FCC 10-42, 25 FCC Rcd 3420 (2010), at para. 3 ("Every American should have a meaningful opportunity to benefit from the broadband communications era—regardless of geography, race, economic status, disability, residence on tribal land, or degree of digital literacy . . . [Universal service] should be comprehensively reformed to increase accountability and efficiency, encourage targeted investment in broadband infrastructure, and emphasize the importance of broadband to the future of these programs.").

Commission should confront, EDNet believes that the Commission should never lose sight of the fact that its efforts will ultimately bring untold benefits to millions of people across the nation who would otherwise be stranded on the wrong side of a yawning divide between digitally literate “Haves,” who can reap the economic, educational, social, and cultural benefits of broadband, and technologically-deprived “Have Nots” who remain cut off from these essential resources.

A. The Commission Should Create a Lifeline and Linkup Broadband Pilot Program with at least One Pilot Project Focused on Non-Native Speakers of English

To achieve its vision of universal access to broadband among all consumers,⁷ the Commission must provide support sufficient to make broadband service affordable to low-income individuals. Lifeline and Link Up have been extremely successful in boosting subscribership among low-income consumers to voice telephone service.⁸ As broadband Internet services weave themselves ever more inextricably into the fabric of American life, EDNet applauds the Commission’s proposal to adapt the Lifeline and Link Up model to support low-income individuals’ access to broadband.

Because the Commission’s high cost and low-income universal service support mechanisms have provided only limited support for broadband infrastructure and services in the past, EDNet supports the Commission’s proposal to begin with a series of pilot programs to test the effect of various support models on subscribership. In this way, the Commission can also gain experience with and refine performance goals and

⁷ Federal Communications Commission, Omnibus Broadband Initiative, *Connecting America: The National Broadband Plan*, (2010), at 172.

⁸ Notice at para. 26.

measurement criteria, as recommended by the GAO.⁹ EDNet itself has extensive experience both with the administration of federal funds in the delivery of broadband to low-income areas of Puerto Rico, and with measuring and tracking the success of these efforts. For over seven years, EDNet has provided services in Puerto Rico to help schools, libraries and governmental entities implement projects supported by the Commission's E-Rate program.

EDNet in particular applauds the Commission's proposal to include in its Lifeline and Link Up pilot at least some projects that focus on the needs of non-native speakers of English. For such individuals, language and cultural barriers hinder economic advancement, causing them disproportionately to fall within the lower income ranks. In Puerto Rico, for example, the U.S. Census Bureau estimates that 44.9 percent of the population falls below the federal poverty line, with rates in the interior of the island reaching upward of 60 percent.¹⁰ In addition, in the U.S. Census Bureau's 2009 American Community Survey, only 18.7 percent of Puerto Ricans reported that they speak English "very well."¹¹ Non-native speakers of English are a critical population that has been overlooked entirely in the three previous pilot proposals the Commission cited in its Notice.¹² In addition to other well-recognized benefits of broadband, non-native

⁹ *GAO Low-Income Report*, at 28.

¹⁰ U.S. Census Bureau, American Community Survey (data summarized at: http://www.newyorkfed.org/regional/community_poverty.html).

¹¹ U.S. Census Bureau, Puerto Rico Community Survey (2009) (results available at: http://factfinder.census.gov/servlet/STTable?_bm=y&-context=st&-qr_name=ACS_2009_1YR_G00_S1601&-ds_name=ACS_2009_1YR_G00_&-CONTEXT=st&-tree_id=309&-redoLog=true&-caller=geoselect&-geo_id=04000US72&-format=&-lang=en).

¹² Notice at para. 300 and n.514.

speakers of English can use these services to learn English through online and distance learning options, obtain information in their native language, and use automated translation services included in many web browsers.

B. The Commission Should Not Require Pilot Program Participants to be Eligible Telecommunications Carriers

EDNet recognizes the difficult statutory issues summarized in the Notice that the Commission must overcome in order to bring broadband within the scope of the services supported by Lifeline.¹³ In particular, EDNet supports the Commission's proposal to permit entities not certified as Eligible Telecommunications Carriers ("ETCs") under Section 214(e) of the Communications Act of 1934, as amended (the "Act") to participate in the Lifeline and Link Up pilot program.¹⁴ The Commission has not yet defined broadband as a telecommunications service, nor is it within the current definition of universal service the Commission has established under Section 254(c) of the Act.¹⁵

Should the Commission deem forbearance necessary in order to permit Lifeline and Link Up support for broadband, EDNet believes that the Commission should forbear from the requirement that Lifeline and Link Up recipients be designated as ETCs with respect to their provision of broadband services.¹⁶ The Act requires the Commission to grant forbearance from enforcing any provisions of the Act if it determines that:

- (1) Enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with

¹³ Notice at paras. 275-278.

¹⁴ 47 U.S.C. § 214(e)(1); Notice at para. 294.

¹⁵ 47 U.S.C. § 254(c)(1).

¹⁶ Notice at 293.

that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

- (2) Enforcement of such regulation or provision is not necessary for the protection of consumers; and
- (3) Forbearance from applying such provision or regulation is consistent with the public interest.”¹⁷

In this case, all three criteria are readily satisfied. *First*, in the context of a structured, carefully designed and monitored Lifeline and Link Up broadband pilot program, the Commission has potentially greater control over the charges levied by the broadband provider than it otherwise would. Within the pilot project, the Commission can influence rates both by modulating the level of federal support it provides and by considering rate information when initially approving the pilot project. In contrast, because many broadband service providers do not operate as telecommunications carriers today, the Commission has extremely limited regulatory authority over the rates for these services.

Second, the very purpose of the Lifeline and Link Up pilot program is to benefit consumers. Enforcing the ETC designation requirement would narrow the scope of potential participants, ultimately to the detriment of consumers.

Third, given the ever-growing importance of broadband in modern life, the public interest would clearly be served by creating a pool of potential participants in the Lifeline and Link Up pilot program that is as broad as possible, so that the Commission can gain broad experience with providing low-income broadband support in a variety of contexts. By doing so, the Commission will also increase competition by increasing the number of

¹⁷ 47 U.S.C. § 160(a).

providers who may compete to provide supported broadband services, as required under Section 10(b) of the Act.¹⁸

C. The Commission Should Require Detailed Proposals from Pilot Program Applicants, and Ensure Collection of Adequate Performance Data over a Period of Years

In general, EDNet supports many of the structural details of the Lifeline and Link Up pilot program that the Commission proposes in the Notice.¹⁹ The essential points are as follows:

First, the Commission should require sufficient detail from each pilot program applicant, both to demonstrate that it has put careful thought and planning into its proposal and to allow the Commission to make informed judgments as to its merits. The level of information proposed by the Commission in the Notice appears largely appropriate.²⁰ In addition, once the Commission establishes the performance goals and metrics that it intends to use to measure the effectiveness of the various pilot projects,²¹ EDNet encourages the Commission to require each applicant to demonstrate their capability to collect the required data, including the methods that it will use to do so.

Second, the Commission should ensure that its eligibility criteria are broad enough to encompass a variety of proposals that use a mix of technologies, in order to allow the Commission to gather comparative data on a variety of discount structures.

¹⁸ 47 U.S.C. § 160(b) (“In making the determination under subsection (a)(3) of this section, the Commission shall consider whether forbearance from enforcing the provision or regulation will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications services.”).

¹⁹ Notice at paras. 280-292.

²⁰ Notice at para. 296.

²¹ Notice at para. 297.

EDNet agrees that these should include a mix of discounts on hardware and services, as well as discounts that cover a range of levels and time periods.²² In addition, EDNet agrees that these pilot projects should cover a range of geographic areas,²³ specifically including insular areas such as Puerto Rico, and, as discussed above, include projects targeting non-native speakers of English.

Third, EDNet believes that the duration of the pilot program should likely be a minimum of 24 months, with 36 months more likely to produce meaningful data.²⁴ A 36 month pilot project would produce three years of data, enabling the Commission to measure year-over-year changes twice (*i.e.*, year 2 over year 1, and year 3 over year 2). Furthermore, EDNet's experience with NTIA's Broadband Technology Opportunity Program suggests that the 18-24 month duration proposed by USTelecom may be inadequate,²⁵ as the initial ramp-up and launch of the pilot is likely to take a period of months at the outset, potentially leaving only one year or so to collect data on the performance of the project. Such a limited sample may prove an inadequate basis to support the Commission's long-term conclusions.

²² Notice at paras. 283-84.

²³ Notice at para. 280.

²⁴ Notice at para. 289.

²⁵ *Id.*

IV. Conclusion

For the foregoing reasons, EDNet supports the Commission's proposal to establish a Lifeline and Link Up pilot program to evaluate the benefits of low-income universal service support in delivering broadband to low-income consumers, and encourages the Commission to include insular areas and non-native speakers of English among the targets of this pilot program. EDNet looks forward to applying to lead such a pilot project in Puerto Rico.

Respectfully submitted,

A handwritten signature in blue ink that reads "Fm Santiago".

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